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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

3 JOEL RUIZ, On Behalf of Himself and All  
Others Similarly Situated,

Case No. CV07-05739-SC

Plaintiff,

**[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION TO DISMISS  
DEFENDANT'S COUNTERCLAIM**

GAP, INC., and DOES 1-9 inclusive,

Date: January 11, 2008

Time: 10:00 a.m.

Judge: Honorable Samuel Conti

Location: Courtroom 1, 17th Floor

On January 11, 2008, the Honorable Samuel Conti heard Plaintiff Joel Ruiz's (“Plaintiff”) Motion to Dismiss Defendant Gap Inc.’s (“Defendant”) Counterclaim. Having read and considered the papers filed and arguments made by counsel, and good cause appearing,

4 IT IS HEREBY ORDERED that Plaintiff's Motion to Dismiss Defendant's Counterclaim  
5 is GRANTED.

Dated: \_\_\_\_\_, 2007

Honorable Samuel Conti  
Northern District of California